

Crown Law Department,  
Perth, 23rd February, 1971.

THE undermentioned Regulations made under the provisions of the Transfer of Land Act, 1893, and the Licensed Surveyors Act, 1909, and amended from time to time up to and including the 16th June, 1970, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

TRANSFER OF LAND ACT, 1893, AND LICENSED SURVEYORS ACT, 1909.

## Regulations for the Guidance of Surveyors Practising under the Transfer of Land Act, 1893.

Published in the *Government Gazette* on the 28th November, 1961, and incorporating the amendments thereto published in the *Government Gazette* on the 27th August, 1969 and the 16th June, 1970; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

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Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice, dated 22nd February, 1971.

TRANSFER OF LAND ACT, 1893, AND LICENSED SURVEYORS ACT, 1909.

## Regulations for the Guidance of Surveyors Practising under the Transfer of Land Act, 1893.

In these regulations, unless the context otherwise indicates, the following terms shall have the meaning set against them respectively:—

**Inspector of Plans and Surveys:** A licensed surveyor on the staff of the Department of Lands and Surveys, appointed by the Governor to approve plans of authorised surveys.

**The regulations:** The general regulations for the direction and guidance of surveyors made by the Land Surveyors' Licensing Board under the Licensed Surveyors Act, 1909 (as amended), in addition to the regulations of the Office of Land Titles.

**Surveyor:** A licensed surveyor lawfully entitled to practise under the Transfer of Land Act, 1893 (as amended).

### PART I.—GENERAL.

1. Every survey, re-survey, or subdivision made or used for the purpose of any application or dealing in the Office of Land Titles must be made by a licensed surveyor lawfully entitled to practice under the Transfer of Land Act, 1893 (as amended), of Western Australia, and such survey or re-survey, or subdivision, and every plan submitted to the Office of Land Titles purporting to represent the same respectively, must be made in strict accordance with the regulations.

2. The surveyor will be expected to disclose all doubts, discrepancies, and difficulties, and to afford all other information obtainable by him relative to the property, that may aid in securing accuracy and completeness in the certificate of title to the land.

In these matters he must consider himself rather an agent and adviser of the Government than of the person employing him, nor will a regard for the interests of such employer be considered as excusing in any degree the withholding of any information affecting the merits of the application or dealing, even though the description supplied be literally and technically correct.

3. Whenever the land applied for differs from that contained in the deeds, the survey will not be considered complete without showing (whenever practicable) that there is or is not sufficient land left to supply the quantity belonging to adjoining owners under the most liberal interpretation of their rights.

4. A surveyor before making a survey of any land must obtain all available information respecting it in the office of the Department of Lands and Surveys, Mines Department, and in the office of Land Titles. Every assistance will be given by the officers to enable him to refer to any Certificate of Title, field book, plan, or document.

5. On receipt of notice from the Inspector of Plans and Surveys to amend a survey or to supply more information than that contained in the field notes, or to report on same, the surveyor so notified

must immediately comply with the notice. Every surveyor shall observe and comply with any special directions from time to time given by the Commissioner, Registrar of Titles, or Inspector of Plans and Surveys in relation to plans and surveys.

PART II.—FIELD NOTES.

Reg. 6  
amended by  
G.G. 16/6/70,  
p. 1667.

6. Field books will be supplied at a reasonable price by the Government Printer on application being made to him, and no other style of book containing field notes will be received at the office of the Surveyor General unless under exceptional circumstances.

7. Every field book must contain, when it is possible, a sketch of the exterior boundaries of the land to be represented on the plan or diagram to be deposited in the Land Titles Office.

8. The original field book kept in the field shall be lodged at the Department of Lands and Surveys. It must show everything that the surveyor does or finds to exist on the ground such as angles, bearings, distances, old marks tied on to or replaced, offsets, position of fences, buildings, walls, roads, rights-of-way, subdivisions, etc. If a wall is on or along the boundary its exact position and width must be defined. The words "two walls", "party wall", "no party wall" should be written.

All improvements within five links of the boundary must be located. Field notes must show all new marks of the survey and all old ones along previously surveyed lines, also all methods of running the lines.

9. A surveyor shall show by a sketch in the field notes the position of each post and peg centre or outer edge with reference to the alignment of the boundary which it defines. (See regulation 37.)

10. The notes of the "surround" of each survey must be shown in the field book distinct from those of the internal subdivisional surveys.

11. The area of the land surveyed must be written in the field notes, and if a subdivision is made the area of each allotment must be recorded.

12. The field notes must define the land under survey as to the original number and district or town in which it is situated or as it is registered in the Office of Land Titles. If the land is subdivided the number of each allotment must be written on the subdivision in the field book. Sectional or alphabetical numbering is not permitted. Consecutive numbering from one upwards must be made, and the same number must not be repeated in a location or Crown allotment except by special permission from the Inspector of Plans and Surveys. A surveyor before numbering a subdivision of a portion of a large location should ascertain if any numbers have been previously allotted in the location and if any numbers have been allotted he must begin with the next highest number.

The allotments of a re-subdivision of a subdivisional allotment, or allotments of any land must be numbered consecutively from one upwards, unless, by doing so, lot numbers are duplicated in the section, in which case the surveyor should use numbers which will avoid duplication.

13. Any post, peg, or spike or other survey mark found in the field which has been established in the course of a survey or of a re-survey of any Crown allotment or location or public road made under instructions from the Surveyor General and accepted by him shall be shown in the field notes, as an original post, peg, or spike as the case may be.

14. Any post, peg, spike or other mark found in the field which is not an original of a Crown survey and is recorded on a plan or diagram deposited in the Office of Land Titles and passed by the Inspector of Plans and Surveys shall be shown in the field notes as post, peg, spike, "found" (as the case may be).

15. The name of every public street and road adjoining the land under survey, and also the name and width of any private street, road, and lane forming part of the survey or connected therewith, must be written in the field notes.

16. The actual measurement of each line chained must be recorded in the field book, and if in rural lands it does not disagree from the distance previously adopted in the Lands and Surveys Department or Office of Land Titles more than a quarter of a link in ten chains in level and undulating country, or half a link in ten chains in hilly country, the distance so measured shall be adjusted in red to agree with such accepted distance. If the difference is more than that stated, the line shall be measured again and the second distance shall be also noted in the field book.

#### PART III—FIELD WORK.

17. When re-establishing original Crown surveys the surveyor must adhere to the principle of the unchangeableness of the position of the boundary marks except as hereinafter mentioned, and where they have been originally established on the ground by a Government surveyor in pursuance of the survey system at that time in force they must be regarded as the true positions even if found by the new survey not to be in the exact position assigned to them; but to prevent the perpetuation of patent errors in original surveys and to guard against fraud in case where a material disagreement is found to exist between a new and an old survey, the surveyor shall forward a full report and a sketch showing the position of and describing all old survey marks and improvements on or near the boundary line. Where original intermediate marks are not truly aligned between the corners the surveyor may correct the alignment of them provided that no improvements are affected by the alteration. The original and amended positions of the marks must be clearly recorded in the field book and a full report thereon must be made to the Surveyor General.

18. When a new street which is not an extension of a named street is laid out in a municipality, suburban lot, or location, it must not be given the name of any street that has been previously surveyed in such municipality, suburban lot or location. A new street which is an extension of a named street shall bear the same name.

19. A surveyor when re-marking any allotment or portion thereof abutting on any street or road where the total distance between the street or road corners does not agree with the original subdivision (whether Crown or otherwise) shall survey the section bounded by four streets or roads and shall locate all the improvements along the frontages at or near the corners of each allotment, provided that if a surround re-survey has previously been made and verified and contains sufficient information, and the street or road corners have been correctly located and are in existence, it will only be necessary to align the frontage between the two street or road corners on which the allotment or portion of allotment abuts.

20. The surveyor shall, if practicable, align and measure the actual boundaries of the land under survey, but should difficulties render this impossible the offsets used and the methods observed in measuring and obtaining distances shall be recorded in the field notes. If an offset has to be used it should be set off, if possible, parallel to the boundary line.

21. Before any survey post, peg, spike, or other mark is adopted it must, if possible, be proved to be in the position assigned to it on a deposited plan either in the Lands and Surveys Department or Office of Land Titles, and in every instance its position must be verified from the reference tree, peg, spike, wall, or other mark, if any, and such position must be recorded in the field notes.

22. The area of every block not being a rectangle shall be calculated by double longitudes, and the particulars of such calculations shall be supplied by the surveyor when notified by the Inspector of Plans and Surveys to do so.

23. A surveyor when re-marking or re-defining a corner of a road or street must connect it to two or more permanent points, if they can be obtained, and must, in every instance, whether the old mark is in existence or not, connect by angles and distances to the opposite corners (where they are known) and note the connections in the field book.

24. The original alignment of every Crown survey must always be adhered to except as provided for in general regulation 23.

25. When an irregular boundary is defined by offsets and insets measured thereto from traverse lines, such traverse lines must form part of the geometrical figure used in computing the area, and the areas of the portions lying between the traverse lines and the boundary are to be computed from such offsets and insets.

26. If only a portion of a location is being dealt with the survey must be connected with at least two corners of the location. If the portion of land is included in or adjoins a previous survey which is shown in a deposited plan or diagram and connected to at least two corners of the location, then the survey need only be connected with two or more corners of the previous survey.

27. When a portion of any allotment situate within a municipality is being set out, the surveyor shall obtain sufficient information and record it in his field book to determine all of the original boundaries of the said allotment.

28. When an old survey is superseded by a new survey with amended boundaries the old posts, pegs, trenches, and other marks must be removed or obliterated by the surveyor who makes the new survey. Provided if any original survey marks are removed the surveyor shall report such removal to the Inspector of Plans and Surveys, who shall notify the Surveyor General of such removal.

#### PART IV.—MARKING.

Note.—The following regulations are to be observed in addition to the instructions set forth in the general regulations.

29. The Departmental mark referred to in general regulation 48 shall for Land Titles Office surveys be the letter "T".

##### Rural Lands.

30. In the course of any survey when it is necessary to re-mark or to re-establish, or to connect to the corner of a subdivisional lot the area of which exceeds 10 acres, or to the corner of a location which is not "referenced", the surveyor shall reference such corner in the manner prescribed by the general regulations.

31. Marking, line clearing, trenching and referencing shall be as specified in the general regulations.

##### Town and Suburban Lands.

32. When a re-survey is made of any allotment or allotments, or any portion thereof, and the post, peg, spike, or other mark denoting any road or street corner of the section in which the land is situated is obliterated, the surveyor shall re-mark the road corner or corners re-established by him and reference same as is provided by the general regulations.

33. If a peg cannot be put in, an iron spike not less than fifteen inches in length and half an inch in diameter shall be used instead of a peg. If a peg or spike cannot be placed in position a broad arrow must be cut into the obstruction. A wall should be marked in preference to a footpath.

34. Three-inch pegs shall be painted red. Two-inch pegs shall be painted white.

35. When, in the course of any survey, it is necessary to re-establish, or to connect to, a corner of a street or road which has not been tied in to a building or permanent mark, then, if there are buildings or permanent marks within a radius of one and a half chains from the corner, the surveyor shall connect the corner to them by two or more measurements to different points on them or by angle and distance to two identifiable marks. If the corner is not referenced according to the regulations, the surveyor shall also place a spike in the production of each street line at a distance most suitable for its preservation. The spike shall be sunk or driven until its head is about six inches under the surface, unless the foot-path is flagged, tar paved or asphalted, in which case the head of the spike shall be level with the surface where possible, or, if not possible, then a distinct and durable mark must be made instead of such spike.

Reference spikes or marks shall be placed in every case, whether the original post or peg is standing or not.

The distance between reference spikes or marks shall be measured and recorded.

36. A tack shall be driven into the centre of the top of each peg and it shall be placed in the true alignment of a street, road, lane, or right-of-way. (See general regulation 49.)

37. Surveyors must be particularly careful not to alter the alignment of previous surveys where the outer faces of pegs are on the true alignment. (See general regulation 9.)

#### PART V.—DRAFTING.

38. Every plan and diagram lodged or deposited at the Office of Land Titles must be drawn on the plan and diagram paper which will be sold by the Government Printer at a reasonable price.

Reg. 38  
amended by  
G.G. 16/6/70,  
p. 1667.

39. Every plan and diagram must be drawn to a scale large enough for the necessary details and dealings to be written on each allotment, and it must be approved by the Inspector of Plans and Surveys.

40. The ordinary even scales 10, 16, 20, 30, 40, 50, 60 and 80 shall be used for plotting and the scale of links or chains to an inch must be written on the plan or diagram.

41. All work must be of sufficient strength to bear photographic reproduction by microfilm methods and must be drawn in a recognised water proof ink.

Reg. 41.  
Amended by  
G.G. 27/8/69,  
p. 2475.

42. Plans must show a north point, defined by an arrow of reasonable size, drawn at right angles to the bottom of the plan form where possible.

Reg. 42.  
Amended by  
G.G. 27/8/69,  
p. 2475.

43. Should plans or diagrams be below the departmental standard in plotting or draftsmanship, they may be rejected.

44. No plan or diagram will be approved by the Inspector of Plans and Surveys which shows—

(a) land that is not under the Transfer of Land Act in conjunction with land that is under that Act, or two or more pieces of land registered in the names of different proprietors; unless the whole of the land is being acquired by the Crown, Crown instrumentality or local authority for the purpose of a public work within the meaning of the Public Works Act, 1902, as amended;

(b) any private street, road, lane, way or reserve over which the proprietor has no registered or implied rights.

Reg. 45.  
Amended by  
G.G. 27/8/69,  
p. 2475.

45. The lots drawn on any diagram must not exceed twelve in number, and the lots drawn on any plan must not exceed 75 in number.

46. The heading must describe the land represented on the plan or diagram by reference to the original Crown location or lot number, and in the case of a resubdivision the numbers of the previous subdivision must be shown.

47. Every plan or diagram of a survey must show the nature of the boundaries at the time of survey, whether buildings, walls, fences, roads, natural features, posts, pegs, spikes, and in the case of a wall whether a party wall, and if the boundary line runs through the centre or otherwise.

48. Every plan and diagram shall exhibit distinctly delineated all roads, streets, passages, thoroughfares, squares, or reserves appropriated or set apart for the use of the purchasers, and all permanent drains and also all allotments into which the said land has been divided with their distinctive numbers, areas and dimensions.

49. The name of each public street or road adjoining the land under survey, and the name and width of each private street or road forming a part of the land under survey, must be written on the plan or diagram.

The width of the public street, road, or way is not to be shown unless it has been accurately measured in the course of the survey.

50. All posts, pegs and intermediate spikes when centred shall be shown as circles in black. Those which have been faced shall be shown as filled squares.

51. (a) All old posts, pegs or intermediate spikes of Lands Department surveys found and recorded in the field notes shall be shown thus "O.M." If renewed thus "O.M.R." If adjusted thus "O.M.adj."

(b) All old posts, pegs or intermediate spikes of private subdivisional surveys shall be shown thus "M.F." If renewed "M.F.R." If adjusted "M.F.adj."

52. All intermediate distances shown by the surveyor to be shown on the plan or diagram, and all total lengths of lines, that is the sum of the intermediates, shall be shown in brackets.

53. All total lengths of lines being the external boundaries of the land the subject of the plan or diagram shall be shown.

54. Where to complete a survey dimensions from existing surveys are used then—

(a) where angles and complete distances are shown these shall be marked "Orig" and no existing intermediate distances shall be shown;

(b) where a line is composed of both existing and new work, the total distances shall be marked "per Orig."

55. (a) Where a boundary has been pegged by offsets from a run line and the offset distances are 20 links or greater, any distance along that boundary shall be shown as calculated (cal.).

(b) Where the offset distances are less than 20 links then the true boundary shall be treated as the run line and the angles as true angles, not calculated.

56. On even truncations the angles to the truncation line shall be omitted.

57. All angles shall be shown to the nearest second.

58. All units of minutes and perches shall be shown without prefixing an "0", e.g., 1 minute or 1 perch, not 01 minute or 01 perch.



59. (a) Areas of less than one acre are to be shown thus:—

3r. 26.5p. not 0a. 3r. 26.5p. and 26.5p. not 0a. 0r. 26.5p. and 0.5p. not .5p.

(b) Where an area is less than two acres it shall be shown to the nearest decimal point of a perch and where greater than two acres, to the nearest perch.

60. Lines of coasts, rivers, creeks, swamps, lakes, etc., are to be shown in blue, except in the cases where they form part of the boundary of a location or lot when they are to be shown in black.

Both sides of rivers and creeks are to be shown where reasonable and also an arrow denoting the direction of the flow of the stream.

61. (a) A flat wash of green shall be shown on all lots comprised in a plan or diagram.

(b) A darker margin of green shall be shown along the external boundaries to define the limits of the land included in the plan or diagram.

(c) Public roads, streets, lanes or rights-of-way shall be coloured carmine.

(d) Private roads, streets, lanes or rights-of-way shall be coloured brown.

(e) Crown reserves shall be coloured carmine.

(f) Private drain reserves shall be coloured blue.

(g) Traverse lines and angles and distances on same shall be shown in blue.

62. Plans, as distinct from diagrams, shall be left uncoloured at the time of lodging, but a print of the plan coloured in accordance with these regulations shall be lodged together with the plan. The plan, after duplication, shall be coloured to agree with the print by the drafting staff of the Office of Titles.

Diagrams shall be coloured by the surveyor before lodging.

#### PART VI.—MISCELLANEOUS.

63. The regulations for the guidance of surveyors practising under the Transfer of Land Act, 1893, published in the *Government Gazette* on the 26th May, 1911, and all amendments thereto are hereby revoked, but such revocation shall not invalidate anything done under or in conformity therewith.

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